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CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA	
BY	DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

Moore, Tracie Denise

CASE NO. C18-5294 RBL
[to be filled in by Clerk's Office]

COMPLAINT FOR A CIVIL CASE

Jury Trial: ☐ Yes ☒ No

Plaintiff(s),

v.

United States

Defendant(s).

I. THE PARTIES TO THIS COMPLAINT

A. Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Moore, Tracie Denise
Street Address	18716 13th Ave., Court E
City and County	Spanaway; Pierce
State and Zip Code	WA; 98387
Telephone Number	(618) 910-8549

155d

Receipt # T-15106

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1 B. Defendant(s)

2 *Provide the information below for each defendant named in the complaint, whether the*
 3 *defendant is an individual, a government agency, an organization, or a corporation. For an*
 4 *individual defendant, include the person's job or title (if known). Attach additional pages if*
 5 *needed.*

6 Defendant No. 1

7 Name

United States

8 Job or Title (if known)

9 Street Address

10 City and County

11 State and Zip Code

12 Telephone Number

13 Defendant No. 2

14 Name

15 Job or Title (if known)

16 Street Address

17 City and County

18 State and Zip Code

19 Telephone Number

20 Defendant No. 3

21 Name

22 Job or Title (if known)

23 Street Address

24 City and County

State and Zip Code

Telephone Number

Pro Se 1 2016

Defendant No. 4

Name

Job or Title (*if known*)

Street Address

City and County

State and Zip Code

Telephone Number

II. BASIS FOR JURISDICTION

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (*check all that apply*)

☒ Federal question☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

28 USC 2675

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1 B. If the Basis for Jurisdiction Is Diversity of Citizenship

2 1. The Plaintiff(s)

3 a. If the plaintiff is an individual.

4 The plaintiff (*name*) _____, is a citizen of the
5 State of (*name*) _____.

6 b. If the plaintiff is a corporation.

7 The plaintiff, (*name*) _____, is incorporated under
8 the laws of the State of (*name*) _____, is incorporated under
9 the laws of the State of (*name*) _____, and has its principal
10 place of business in the State of (*name*) _____.

11 *(If more than one plaintiff is named in the complaint, attach an additional page providing*
12 *the same information for each additional plaintiff.)*

13 2. The Defendant(s)

14 a. If the defendant is an individual.

15 The defendant, (*name*) _____, is a citizen of the
16 State of (*name*) _____. Or is a citizen of
17 (*foreign nation*) _____.

18 b. If the defendant is a corporation.

19 The defendant, (*name*) _____, is incorporated under
20 the laws of the State of (*name*) _____, and has its principal
21 place of business in the State of (*name*) _____.

22 Or is incorporated under the laws of (*foreign nation*) _____,
23 and has its principal place of business in (*name*) _____.

24 *(If more than one defendant is named in the complaint, attach an additional page*
providing the same information for each additional defendant.)

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1 3. The Amount in Controversy.

2 The amount in controversy-the amount the plaintiff claims the defendant owes or the
3 amount at stake-is more than \$75,000, not counting interest and costs of court, because (*explain*):

4 _____
5 _____
6 _____

7
8 **III. STATEMENT OF CLAIM**

9 *Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.*

10 **See Attached**
11 _____
12 _____
13 _____
14 _____

15 **IV. RELIEF**

16 *State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.*

17 **See Attached**
18 _____
19 _____
20 _____
21 _____

22 **V. CERTIFICATION AND CLOSING**

23 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my
24 knowledge, information, and belief that this complaint: (1) is not being presented for an improper

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purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
 (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or
 reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so
 identified, will likely have evidentiary support after a reasonable opportunity for further
 investigation or discovery; and (4) the complaint otherwise complies with the requirements of
 Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related
 papers may be served. I understand that my failure to keep a current address on file with the
 Clerk's Office may result in the dismissal of my case.

Date of signing:

13 Apr 2018

Signature of Plaintiff

Tracie D Moore

Printed Name of Plaintiff

Tracie Denise Moore

18716 13th Ave, Court E
Spanaway, WA 98387

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

Date of signing:

Signature of Plaintiff

Printed Name of Plaintiff

Tracie Denise Moore

18716 13th Avenue; Court E

Spanaway, WA 98387

(Plaintiff)

v.

United States

(Defendant)

STATEMENT OF CLAIM

Facts:

1. Plaintiff/Veteran resides in Spanaway, WA
2. Defendant, United States, is the principle entity over the Department of Veterans Affairs
3. The appropriate venue for this suit is the WA Federal Courts as the Plaintiff/Veteran is a resident
4. On 5 December 2012 Plaintiff/Veteran made an urgent visit to the VA Medical Clinic in Elizabeth City, NC (Defendant) with complaints of pink with edema and papules around eyes and mouth, enlarged thyroid, neck tender to touch, globus sensation in throat, difficulty swallowing. Was seen by nurse (Defendant) with no treatment.
5. On 26 December 2012 Plaintiff/Veteran made another urgent visit to the VA clinic (Defendant) with complaints of severe headache, severe pain in eyes, mouth, nose and ears, aching and burning pain all day, blurred vision. Was seen by nurse (Defendant) with no treatment.
6. On 21 January 2013 Plaintiff/Veteran was rushed to the Albemarle Hospital (Non-VA) in Elizabeth, NC with complaint of possible stroke
7. Plaintiff/Veteran was seen immediately by Emergency Room medical staff at the Albemarle Hospital (Non-VA) where they performed a series of tests to rule out stroke
8. Albemarle Hospital (Non-VA) ER physician diagnosed Plaintiff/Veteran with Bell's Palsy and

ordered Plaintiff/Veteran to follow up with her primary physician at the VA clinic (Defendant) as as soon as possible for required, time sensitive care and treatment of Bell's Palsy

9. On 22 January 2013 (the next day) Plaintiff/Veteran adhered to the strict orders of the ER physician and went (with discharge orders from ER physician) to the VA clinic (Defendant) requesting to be seen for time sensitive care of Bell's Palsy

10. Nurse at the VA Clinic (Defendant) acknowledged visual signs of Bell's Palsy seen on the face of Plaintiff/Veteran but refused the request for same-day medical care stating that the clinic "does not see walk-ins". Instead Plaintiff/Veteran was given a scheduled appointment for 28 January 2013 (a week later)

11. Plaintiff/Veteran returned to the VA Clinic (Defendant) several times prior to scheduled appointment, requesting urgent care with complaints of severe headache, ear pain, excessive watering eyes, and uncontrollable drooling from mouth

12. Nursing staff at the VA Clinic (Defendant) again refused same-day medical care citing their "no walk-ins" policy

13. Plaintiff/Veteran was finally seen by the VA clinic physician (Defendant) on 28 January 2013 providing service within the scope of the Department of Veterans Affairs

14. During the Plaintiff's/Veteran's visit, the VA physician (Defendant) searched for Bell's Palsy on the Internet, printed an information sheet, then gave to Plaintiff/Veteran

15. At the conclusion of the visit, VA physician (Defendant) discussed the clinic's "No walk-ins" policy and informed Plaintiff/Veteran that, "Coming in everyday won't change anything"

16. Plaintiff/Veteran, fearful of further ridicule and intimidation from the Elizabeth City, NC VA clinic's medical staff (Defendant), as well as the disappointment of their absence of empathy and professionalism, the Plaintiff/Veteran did not return to that clinic

17. As a direct and proximate result of the breach of the applicable standard of medical care by the Defendant which resulted in permanent Bell's Palsy and the failure to diagnose Thyroid Cancer (despite Plaintiff's/Veteran's related complaints on the 5 December 2012 clinic visit) , the Plaintiff/Veteran: 1) has in the past, is currently, and will in the future continue to suffer physical pain, extreme mental and emotional sorrow and anguish, 2) suffered physical injuries that she will carry for the rest of her life, 3) was forced to get further operations and other painful medical procedures, 4) has in the past, and is currently suffering from the exacerbation of Plaintiff's/Veteran's Post-Traumatic Syndrome, 5) has in the past, and is currently suffering from fear and anxiety over her condition to recover the best that she could from the harm inflicted on her

18. The harm and losses endured by the Plaintiff/Veteran were the direct, proximate result of

the medical errors and negligence committed by the Defendant

19. Plaintiff/Veteran did nothing to cause her own injuries. She was not contributorily negligent and did not assume the risk of the harm that was done to her

RELIEF

COUNT I (Negligence - Medical Malpractice)

1. The Plaintiff/Veteran incorporates by reference the claims made in paragraphs 1-19 in Statement of Complaint

2. Defendant did not do what a reasonable, ordinary doctor would do treating the Plaintiff/Veteran

WHEREFORE: The Plaintiff/Veteran claims damages against the Defendant in the amount of \$10,000,00.00 as stated in original tort claim, and for any further relief that this Honorable Court determines necessary and appropriate

COUNT II (Negligence - Medical Malpractice via Agency)

The Plaintiff/Veteran incorporates by reference the claims made in paragraphs 1-19 of Statement of Claim

1. That at the time of the Plaintiff's/Veteran's medical visits, the VA Clinic's medical staff was acting within the scope of their employment and agency with Defendant, the United States

WHEREFORE: Plaintiff/Veteran prays for judgement against the United States plus cost, and seeks costs and any additional relief this court believes is appropriate

Respectfully submitted,

Tracie Denise Moore

18716 13th Avenue, Court E

Spanaway, WA 98387

(618) 910-8549